



Department of Corrections and Rehabilitation
NOTICE OF CHANGE TO
DEPARTMENT OPERATIONS MANUAL

Chapter 5, Article 44, Prison Rape
Elimination Policy

Transmittal
Letter Number:

06-02

Revision Date:

January 19, 2006

The purpose of this Notice of Change to the Department Operations Manual (DOM) is to ensure compliance with the Federal Prison Rape Elimination Act of 2003 (PREA) and Assembly Bill (AB) 550 the Sexual Abuse in Detention Elimination Act. It will provide guidelines for the prevention, detection, response, investigation, and tracking of offender sexual assaults and sexual misconduct between offenders and/or staff and offenders. This policy enhances the California Department of Corrections and Rehabilitation (CDCR) Rehabilitation reform efforts and supports a safe work/living environment for offenders and staff. This policy will provide guidelines for the successful community re-entry of sexual assault/misconduct victims.

Background:


In September 2003 Public Law 108-79, the PREA of 2003, was signed into law by President Bush. The Act requires the elimination, reduction, and prevention of sexual assault and rape within corrections systems; mandates national data collection efforts; provides funding for program development and research; creates a national commission to develop standards and accountability measures; applies to all federal, state, and local prisons, jails, policy lock-ups, private correctional/detention facilities and community settings such as residential facilities.

PREA:

- ◇ Establishes a **zero-tolerance standard** for the incidence of inmate sexual assault and rape.
- ◇ Makes prevention of inmate sexual assault and rape a top priority in each correctional facility.
- ◇ Increases available data and information of the incidence of inmate sexual assault and rape.
- ◇ Standardizes the definitions used for data collection.
- ◇ Increases accountability of corrections officials who fail to detect, prevent, reduce, and punish prison rape.
- ◇ Protects the Eighth Amendment rights of federal, state, and local inmates.

In September 2005, AB 550 the Sexual Abuse in Detention Elimination Act was signed by Governor Schwarzenegger. AB 550 requires the CDCR to:

- ◇ Develop specified policies, practices, and protocols when housing offenders and responding to sexual abuse incidents.
- ◇ Develop guidelines for allowing outside organizations and service agencies to provide resources to offenders.

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- ◇ Develop guidelines for allowing outside organizations and service agencies to provide resources to offenders.
- ◇ Keep statistics on the sexual abuse offenders.
- ◇ Creates, within the Office of the Inspector General, the Office of the Sexual Abuse in Detention Elimination, which will be staffed by an Ombudsperson.

Policy:

The CDCR is committed to providing a safe, humane, secure environment free from sexual misconduct. This will be accomplished by maintaining a program to ensure education/prevention, detection, response, investigation, tracking of sexual misconduct, and to address successful community re-entry of the victim. CDCR shall maintain a zero tolerance for sexual misconduct in its institutions, community correctional facilities, conservation camps, and for all offenders under its jurisdiction. All sexual misconduct is strictly prohibited.

Please direct any inquiries concerning this Bulletin to Nancy Hardy, PREA Project Coordinator, at (916) 327-5311.

Original signed by

RODERICK Q. HICKMAN
Secretary
Department of Corrections and Rehabilitation

Attachments